

C1025

COVER SHEET (PAGE 1 of 2)

May 1998 CALFED ECOSYSTEM RESTORATION PROPOSAL SOLICITATION

Proposal Title: Fern-Headreach Tidal Perennial Aquatic and Shaded Riverine Aquatic Conservation Project
 Applicant Name: Thomas Luckey (L & L Farms, LLC)
 Mailing Address: The Luckey Company, P.O. Box 7428, Stockton, CA 95207
 Telephone: (209) 951-8700
 Fax: (209) 951-3261

Amount of funding requested: \$ 425,000 for 1 years

Indicate the Topic for which you are applying (check only one box). Note that this is an important decision: see page __ of the Proposal Solicitation Package for more information.

- | | |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Fish Passage Assessment | <input type="checkbox"/> Fish Passage Improvements |
| <input checked="" type="checkbox"/> Floodplain and Habitat Restoration | <input type="checkbox"/> Gravel Restoration |
| <input type="checkbox"/> Fish Harvest | <input type="checkbox"/> Species Life History Studies |
| <input type="checkbox"/> Watershed Planning/Implementation | <input type="checkbox"/> Education |
| <input type="checkbox"/> Fish Screen Evaluations - Alternatives and Biological Priorities | |

Indicate the geographic area of your proposal (check only one box):

- | | |
|-----------------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Sacramento River Mainstem | <input type="checkbox"/> Sacramento Tributary: _____ |
| <input checked="" type="checkbox"/> Delta | <input type="checkbox"/> East Side Delta Tributary: _____ |
| <input type="checkbox"/> Suisun Marsh and Bay | <input type="checkbox"/> San Joaquin Tributary: _____ |
| <input type="checkbox"/> San Joaquin River Mainstem | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Landscape (entire Bay-Delta watershed) | <input type="checkbox"/> North Bay: _____ |

Indicate the primary species which the proposal addresses (check no more than two boxes):

- | | |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> San Joaquin and East-side Delta tributaries fall-run chinook salmon | |
| <input type="checkbox"/> Winter-run chinook salmon | <input type="checkbox"/> Spring-run chinook salmon |
| <input type="checkbox"/> Late-fall run chinook salmon | <input type="checkbox"/> Fall-run chinook salmon |
| <input checked="" type="checkbox"/> Delta smelt | <input type="checkbox"/> Longfin smelt |
| <input type="checkbox"/> Splittail | <input type="checkbox"/> Steelhead trout |
| <input type="checkbox"/> Green sturgeon | <input type="checkbox"/> Striped bass |
| <input type="checkbox"/> Migratory birds | |

COVER SHEET (PAGE 2 of 2)

May 1998 CALFED ECOSYSTEM RESTORATION PROPOSAL SOLICITATION

Indicate the type of applicant (check only one box):

- | | |
|----------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> State agency | <input type="checkbox"/> Federal agency |
| <input type="checkbox"/> Public/Non-profit joint venture | <input type="checkbox"/> Non-profit |
| <input type="checkbox"/> Local government/district | <input checked="" type="checkbox"/> Private party |
| <input type="checkbox"/> University | <input type="checkbox"/> Other: _____ |

Indicate the type of project (check only one box):

- | | |
|-------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Planning | <input checked="" type="checkbox"/> Implementation |
| <input type="checkbox"/> Monitoring | <input type="checkbox"/> Education |
| <input type="checkbox"/> Research | |

By signing below, the applicant declares the following:

- (1) the truthfulness of all representations in their proposal;
- (2) the individual signing the form is entitled to submit the application on behalf of the applicant (if applicant is an entity or organization); and
- (3) the person submitting the application has read and understood the conflict of interest and confidentiality discussion in the PSP (Section II.K) and waives any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent as provided in the Section.



(Signature of Applicant)



CALFED 1998 ECOSYSTEM RESTORATION PROJECTS AND PROGRAMS PROPOSAL

EXECUTIVE SUMMARY

Project Title and Applicant Name

The title of this project is the **"Fern-Headreach Tidal Perennial Aquatic and Shaded Riverine Aquatic Conservation Project"**. The Project Applicant is Mr. Tom Luckey the landowner of Medford Island, who currently holds the purchase option for the Fern-Headreach Island Complex located very near Medford Island.

Project Description and Primary Biological/Ecological Objectives

The Fern-Headreach Island Complex consists of approximately 168 acres along the main channel of San Joaquin River, just south-east of Columbia Cut in the heart of the Sacramento-San Joaquin Delta in San Joaquin County. The levee along the channel (east) side of the complex is maintained by the U.S. Army Corps of Engineers. The remaining levee which is comprised largely of shaded riverine aquatic (SRA) habitat is protected by the property owner. During the winter of 1996-97, two minor breaches occurred on the west side of the Island. Currently, several shallow breaches, created by the past two winter's flooding, allow the 150 acre interior of the island to be subjected to tidal influence. The focus of this project is to 1) exercise Mr. Luckey's purchase option, and subsequently commit the entire 168 acre complex that includes approximately 28 acres of SRA habitat and 140 acres as shallow water tidal perennial aquatic habitat (freshwater) to permanent conservation status; and, 2) to dedicate a permanent conservation easement across the property to the Center for Natural Lands Management, a private, non-profit conservation organization that currently manages over 100,000 acres of conservation property in California, to the Delta Protection Commission, or to another entity approved by the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

Approach/Tasks/Schedule

Because the purchase option that Mr. Luckey holds for the Fern-Headreach Island Complex will run out this year (1998), and will not be renewed, the exercising of this option will be completed immediately upon the release of funds for the project. The dedication of the permanent conservation easement will be initiated immediately upon the transfer of fee title of the property to Mr. Luckey.

Justification for Project and Funding by CALFED

The project at the Fern-Headreach Island Complex is being proposed under the category of "Floodplain Management and Habitat Restoration" and specifically addresses numerous priority interests and goals of the CALFED Program, including increasing, enhancing and acquiring significant acreage of SRA and tidal perennial aquatic (freshwater) habitat. The general location

of the project in the heart of the Delta and next to the main channel of the San Joaquin River in the vicinity of Columbia cut, is recognized as extremely important to numerous sensitive aquatic species. The current situation at this site makes it vital to act immediately or a unique opportunity will be lost as the current levee breaches, which have resulted in the creation of approximately 140 acres of tidal perennial aquatic habitat that make this project especially attractive will be repaired if the purchase option is not exercised. We believe that this project fits exceptionally well with the goals and objectives of CALFED as outlined in the May 1998 Proposal Solicitation Package for Ecosystem Restoration Projects and Programs.

Applicant Qualifications

The applicant currently hold the purchase option for the Fern-Headreach Complex. The applicant is also the owner of Medford Island a few hundred yards downstream from the project site. The applicant has a proven track record of successful habitat restoration and conservation efforts under both the SB 34 and federal Wetland Reserve Programs at Medford Island where over 600 acres have been restored and dedicated through permanent conservation easements.

Budget Costs and Third Party Impacts

The total cost of this project is estimated at \$425,000. There are no projected third party impacts associated with this project.

Monitoring and Data Evaluation

Although a monitoring and data evaluation program is not required because of the nature of this proposal and therefore is not a specific part of the proposal, it is the logical next step once the acreage has been acquired and dedicated. Mr. Luckey is willing and committed to explore future funding for monitoring efforts. Such efforts could include both a fisheries monitoring program and a water quality monitoring program aimed at determining whether the recently created tidal perennial aquatic habitat serves as a "source" or a "sink" for dissolved organic compounds. This is a basic question that has yet to be effectively researched in the Delta. All monitoring proposals could be coordinated through CALFED and the Interagency Ecological Program (IEP).

Local Support/Coordination with other Programs/Compatibility with CALFED Objectives

As mentioned above, this project specifically addresses numerous high priority goals and objectives of the CALFED Program. The project compliments the San Joaquin County HCP effort, the State Levee Subventions (SB 34) Program, and supports the goals of the Delta Protection Commission's Land Use Management Plan for the Primary Protection Zone of the Delta. This proposal is supported by the California Department of Fish and Game, Reclamation District 2091, the Natural Heritage Institute, Congressman Richard Pombo, the Center for Natural Lands Management, staff of the Delta Protection Commission, and local conservation groups like the local chapter of the National Audubon Society.

Project Title: Fern-Headreach Tidal Perennial Aquatic and Shaded Riverine Aquatic Conservation Project

Applicant: Mr. Tom Luckey
P. O. Box 7428
Stockton, CA 95207
Phone No. - (209) 951-8700
Fax No. - (209) 951-3261
Affiliation: Landowner

Type of Organization and Tax Status: Private Landowner

Tax Identification Number: 91-1773172

Participants/Collaborators in Implementation: Collaborators include the Center for Natural Lands Management, California Department of Fish and Game, and the Natural Heritage Institute

PROJECT DESCRIPTION

Project Description and Approach

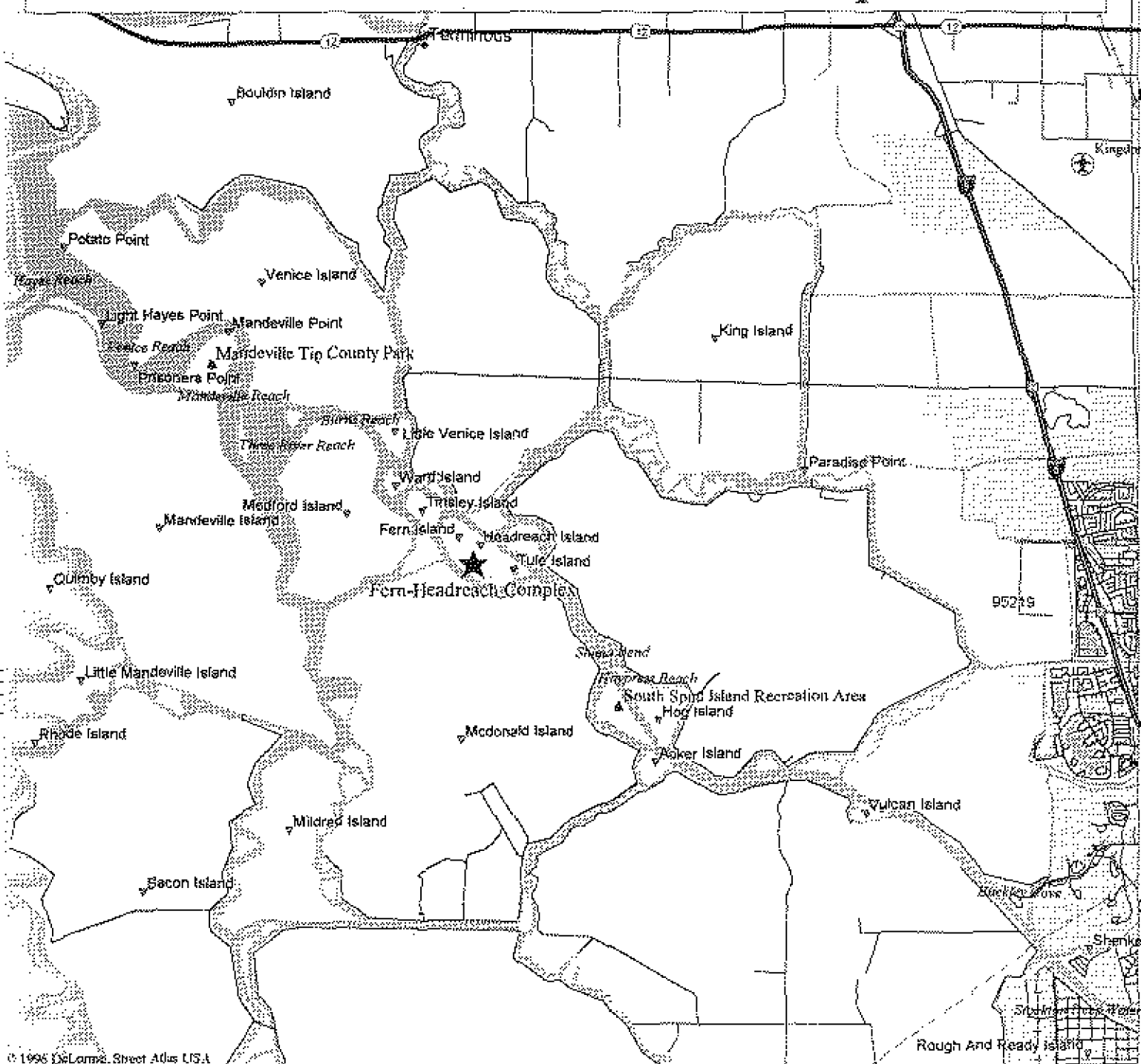
The project site consists of the Fern-Headreach Island Complex, which lies along the main channel of the San Joaquin River near Medford Island in the heart of the Sacramento-San Joaquin Delta. Historically Fern and Headreach were individual islands that were consolidated and contained within a single levee during construction of the Stockton Deep Water Channel. The Corps of Engineers maintains the levee along that portion of the Complex (east side) that is adjacent to the main channel of the San Joaquin River.

As a result of the past two winter's flood events, several small shallow breaches have occurred along the west and north sides of the complex. While these breaches would be relatively easy to repair, approximately 140 acres of tidal perennial aquatic habitat and several acres of newly formed SRA habitat have been created as a result of these breaches. There is presently an interest in preserving these high priority habitats rather than repairing the levee system and losing them.

When the Deep Water Channel was dredged, spoils were deposited on the north and east sides of the current complex. Under the present tidal influence, these spoil areas form three smaller islands within the interior of the complex. The combination of remnant levees, historic channels and spoil created islands are currently providing a diversity of habitats and micro environments that historically occurred, but are now not commonly found in the Delta. The habitats currently found "naturally" occurring at the site are similar to, and very possibly of higher quality, than habitat areas in the Delta that have been specifically engineered and constructed in the past (e.g., Venice Tip, Cache Slough) or are currently being developed (e.g., Prospect Island and Kimball Island). At an average depth of under 10 feet, and presently under tidal influence, this Complex is in a position to provide a unique conservation opportunity.

The Fern-Headreach Complex is currently under a purchase option to Mr. Tom Luckey, owner of Medford Island, only a few hundred yards downstream. Mr. Luckey has established a model wetland and riparian restoration program at Medford Island over the past six years that has resulted in over half of the island's acres (over 600) being restored and placed under permanent conservation easement. He has held the Fern-Headreach option for the past two years and during that time has explored various mechanisms for restoring SRA habitat on the complex and for ensuring the long-term conservation of its newly created and highly valuable tidal perennial aquatic habitat. These efforts, including a Category III proposal last year for restoring 6,000 feet of SRA habitat along the main channel of the complex have not been successful, in spite of agency and local support for them. **This is the last opportunity that exists to ensure long-term conservation of the tidal perennial aquatic and SRA habitats that have been created. The purchase option will run out this year, and at that time the levee will be repaired. The result will be a lost opportunity to secure significant acreage of what is recognized as some of the most important habitats in the entire Delta.**

Fern-Headreach Island Complex



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Mag 12.00
 Thu Jul 02 07:36 1998
 Scale 1:100,000 (at center)
 2 Miles
 2 KM

- | | |
|------------------------------|---------------------|
| — Secondary SR/Road/Hwy Ramp | ⊙ Locale |
| ▬ Primary State Route | ✈ Public Airport |
| ▬ Interstate/Limited Access | ⬇ Exit |
| - - - Utility/Pipe | ⬆ Population Center |
| - - - Railroad | ⬆ County Boundary |
| ◆ Small Town | Land |
| ▽ Geographic Feature | Water |
| ▲ Park/Reservation | — River/Canal |

Because of the past unwillingness of the Category III decision makers to fund major SRA restoration at Fern-Headreach, we have simplified this years proposal considerably. The greatest threat that currently exists to the tidal perennial aquatic habitat and to the SRA habitat that has established itself in the interior of the complex, is the loss of the option to purchase and dedicate the complex in perpetuity to conservation, which will result in the repairing of the existing levee system. Therefore, the two objectives of this proposal are:

- 1) To exercise the purchase option on the property; and
- 2) To dedicate a permanent conservation easement over the property.

Immediately upon approval of the project and release of the funding, Mr. Luckey will exercise his option to purchase the Fern-Headreach Complex. Immediately upon the closing of escrow and transfer of fee title of the property to Mr. Luckey, he will initiate dedication of a permanent conservation easement over the property to either the Center for Natural Lands Management who has agreed to accept the easement if offered, the Delta Protection Commission who has indicated an interest in possibly accepting the easement, or to another entity approved by CALFED. The Center for Natural Lands Management is a private non-profit 501(C)(3) organization established in 1991 to hold and/or manage conservation lands and conservation management endowments. The Center currently holds easements or fee title to almost 100,000 acres in California and manages additional acreage through contract to both public and private landowners.

Under the proposed project, Mr. Luckey would retain the ability to continue to explore future funding opportunities for restoration of SRA habitat on the complex. The project area would be managed in association with the conservation lands currently being managed on Medford Island, which have been restored to seasonal wetland and riparian habitat.

Location of Project

The Fern-Headreach Island Complex is located in San Joaquin County along the main channel of the San Joaquin River in the heart of the Sacramento-San Joaquin Delta. Situated at the intersection of the San Joaquin River and Columbia Cut, and managed over the past decade or so for agriculture and seasonal wetland habitat, this 168 acre complex currently provides a unique, timely and cost effective opportunity to help achieve numerous conservation goals in the Delta including increasing, enhancing and preserving tidal perennial aquatic and SRA habitat, and for protecting critically important habitat for sensitive aquatic and avian resources, including listed species.

Expected Benefits

Target habitats associated with this proposal are:

- ▶ **Tidal perennial aquatic (freshwater)** - Approximately 140 acres of this habitat type has

been formed through the minor breaches that occurred this past winter. If this proposal is not approved, the breaches will be repaired, and this tidal habitat will be converted back to its previous condition. The average depth of this habitat is under 10 feet.

- ▶ **Shaded Riverine Aquatic (SRA)** - Existing riparian habitat along the inside of the western and northern portions of complex's levee will shade tidally influenced habitat rather than the seasonal habitat that it buffered in past years. Naturally developing riparian habitat within the interior portion of the Complex around the smaller sub-islands that exist will also shade tidal perennial aquatic habitat. In addition, there is significant potential for future restoration of over 3,000 linear feet of SRA habitat along the San Joaquin River channel side of the complex. This is the levee that is currently maintained by the Corps.
- ▶ **Mid-Channel Islands and Shoals** - As proposed, this project would result in an ecological complex, a large portion of which would function biologically as a mid-channel island, with riparian vegetation associated with tidal perennial aquatic vegetation.

Through this project, each of these habitats would be preserved in perpetuity through the dedication of a permanent conservation easement which would eliminate the need to repair the current levee breaches. Without this project, it is intended that the levee will be repaired, thereby resulting in the loss of this unique opportunity. Species that would benefit from the project include San Joaquin River and east-side tributary fall run chinook salmon, Delta smelt, Splittail, striped bass, and many species of migratory birds.

Background and Ecological/Biological/Technical Justification

The proposed project is specifically aimed at taking advantage of the current biological situation at the Fern-Headreach Island Complex. Over the past one and one-half years, approximately 140 acres of tidal perennial aquatic habitat have been created by the small shallow breaches in the complex's levee system. In addition, riparian habitat is currently developing on several small existing "sub-islands" within the complex. These "sub-islands" totaling approximately 10-15 acres, represent small areas of material deposition from past dredging activity along the San Joaquin River channel on the east side of the complex. Since the interior of the complex has been subject to tidal action, these areas have served as small islands within the larger island complex and have become naturally revegetated with riparian species. The current situation provides a unique opportunity to secure in perpetuity, a highly valuable ecological complex. As mentioned above, the alternative is to close the existing levee breaches and return the complex to a form more closely resembling its lower quality seasonal wetland and agricultural past.

This project addresses and contributes to objectives for the following resources as stated in CALFED's Ecosystem Restoration Program Plan:

- ▶ Tidal Perennial Aquatic Habitat (ERPP Section on Habitat Visions, Page 69) - "increase the area of shallow-water and intertidal mudflat habitat to improve conditions that support

increased primary and secondary productivity; provide rearing and foraging habitat, and escape cover for fish; and provide foraging and resting habitat, and escape cover for water birds.”

- ▶ Shaded Riverine Aquatic Habitat (ERPP Section on Habitat Visions, Page 70) - “restore riparian scrub, woodland, and forest habitat along largely nonvegetated, riprapped banks of Delta island levees, the Sacramento and San Joaquin Rivers, and their major tributaries. Restored riparian habitat would provide shaded riverine aquatic cover for fish species, associated special-status plant and animal species, and other wildlife.”
- ▶ Delta Smelt (ERPP Section on Species and Species Group Visions, Page 116) - “ensure the recovery of this species...and reduce conflict between the need for its protection and other beneficial uses of water in the Bay-Delta.”
- ▶ Chinook Salmon (ERPP Section on Species and Species Group Visions, Page 117) - “...contribute to the restoration of the ...San Joaquin fall-run chinook salmon to support sport and viable commercial fisheries.”
- ▶ Striped Bass (ERPP Section on Species and Species Group Visions, Page 117) - “restore its population levels to those of the 1960's to contribute to a recreational fishery in the Bay-Delta in order to reduce conflict between the need for its protection and other beneficial uses of water in the Bay Delta.”
- ▶ Bay-Delta Aquatic Foodweb Organisms (ERPP Section on Species and Species Group Visions, Page 118) - “restore the estuary's once-productive food base of aquatic algae, organic matter, microbes, and zooplankton.”
- ▶ Waterfowl (ERPP Section on Species and Species Group Visions, Page 120) - “maintain healthy populations at levels that can support both consumptive and nonconsumptive uses, and contribute to the overall health and beneficial uses of the Bay-Delta.”
- ▶ Neotropical Migratory Bird Guild (ERPP Section on Species and Species Group Visions, Page 120) - “maintain healthy populations in order to contribute to overall species richness and diversity and reduce conflict between the need for their protection and other beneficial uses of land and water in the Bay-Delta

Monitoring and Evaluation

The purpose of this proposal is to secure critically important tidal perennial aquatic and SRA habitat and to ensure its availability for the future, therefore, a monitoring and data evaluation program is not a part of this project, nor is it required. However, such a program is the logical next step once the acreage has been acquired and dedicated. Mr. Luckey is willing and committed

to explore future funding for monitoring efforts. Such efforts could include both a fisheries monitoring program and a water quality monitoring program aimed at determining whether the recently created tidal perennial aquatic habitat serves as a "source" or a "sink" for dissolved organic compounds. This is a basic question that has yet to be effectively researched in the Delta. All monitoring proposals would be coordinated through CALFED and the Interagency Ecological Program (IEP).

Implementability

Because this is a landowner proposed project, its implementability is virtually assured. Mr. Luckey holds a purchase option which he will execute upon approval of the project and release of the funding. The Center for Natural Lands Management has agreed to accept the permanent conservation easement for the property. The project is supported by local agencies including the local Reclamation District, RD 2041.

COSTS AND SCHEDULE TO IMPLEMENT PROPOSED PROJECT

Budget Costs

The estimated cost of this project is \$425,000 as itemized below. While there are potential funding sources for future SRA habitat restoration and monitoring activities on the Fern-Headreach Complex, there are no known sources of funding outside of CALFED that would guarantee that the high priority habitats that now exist on the complex will be secured for the future. Mr. Luckey remains committed to exploring all opportunities for cooperative funding of restoration and monitoring projects on the site in the future. **The immediate need however, is to secure the land base and to dedicate it to in perpetuity conservation.**

<u>Project Task</u>	<u>Overhead Labor (General, Admin. and Fees)</u>	<u>Land Acquisition</u>	<u>Total Cost</u>
Exercise Option and Purchase Land	\$15,000	\$400,000	\$415,000
Dedication of Easement	\$10,000		<u>10,000</u>
		Total Cost	\$425,000

Schedule Milestones

As mentioned above, Mr. Luckey will exercise his option immediately upon approval of the project and release of the funds. Immediately upon transfer of title of the property to Mr. Luckey, he will initiate dedication of the permanent conservation easement.

Third Party Impacts

There are no known third party impacts associated with this project.

APPLICANT QUALIFICATIONS

The applicant has repeatedly demonstrated his interest in, and commitment to habitat conservation through his ongoing habitat program at Medford Island. The applicant has a proven track record of successful habitat conservation projects over the past seven years. The applicant holds the purchase option to the Fern-Headreach Complex and is committed to securing the existing tidal perennial aquatic and SRA habitats that occur on the complex to permanent conservation status, and thereby directly responding to stated high priority goals and objectives of the CALFED Program.

COMPLIANCE WITH STANDARD TERMS AND CONDITIONS

The applicant agrees to comply with all applicable terms and conditions as set forth in the Solicitation Package. Applicable state and federal forms that require signature are attached.

KENT SMITH & ASSOC.

TEL: 916-488-3040

Jul 02 '98

8:01 No.001 P.03

L & L Farms, LLC	
Partner	
Non-Compete Agreement	
Non-Compete Agreement	
July 2, 1998	Witness in the County of
Thomas A. Tinkay	

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

CERTIFICATION

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religion, creed, national origin, disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave.

L & L Farms, LLC

NONDISCRIMINATION COMPLIANCE STATEMENT

ITEM 7

U.S. Department of the Interior

**Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used or use this form for certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

CHECK ☐ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

CHECK ☐ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

DI-2010
June 1995
(This form replaces DI-1962, DI-1964,
DI-1966, DI-1968 and DI-1982)

PART C: Certification Regarding Drug-Free Workplace Requirements

~~CHECK~~ ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about—
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will —
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted —
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

~~CHECK~~ ☒ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

DI-2010
June 1995
(This form replaces DI-1953, DI-1964,
DI-1966, DI-1968 and DI-1983)

**PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements**

**CHECK ☒ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT;
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.**

**CHECK ☐ IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL
LOAN EXCEEDING THE AMOUNT OF \$100,000, OR A SUBGRANT OR
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-L.L., "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

Thomas A. Luckey, Partner

TYPED NAME AND TITLE

DATE July 2, 1998

20-2000
June 1998
This form replaces SF-1002, SF-1004,
SF-1005, SF-1006 and SF-1008